

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

EMORY STEVE BROWN,

Plaintiff,

V.

CLAIMS MANAGEMENT, INC.,

Defendants.

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CIVIL ACTION NO. 3:05cv681-WKW

ORDER

Now pending before the court is the defendant's first motion to compel and motion for sanctions against non-party physician, Mitchell Shirah, M.D. (doc. # 16) filed on January 18, 2006. The defendant asserts that it obtained an authorization for release from the plaintiff in compliance with the Health Insurance Portability and Accountability Act of 1996, Pub.L. No. 104-191, § 247, 110 Stat.1936, 2018 (1996) (HIPAA), and forwarded that release to Dr. Shirah. According to the defendant, Dr. Shirah has failed to respond to its attorney's letters requesting documents, and thus, he should be sanctioned. However, the appropriate manner in which to secure documents from a non-party is governed by FED.R.CIV.P. 45 as well as this district's local rules. Accordingly, it is

ORDERED that the defendant's motion to compel and motion for sanctions (doc. # 16) be and is HEREBY DENIED.

Done this 25th day of January, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE